THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 22nd September, 2006

W.P.No.8749 of 1997

Between:

Mala Jangaiah & others … Petitioners

and

Hyderabad District Cooperative
Central Bank Ltd., Hyderabad
and another … Respondents

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W.P.No.8749 of 1997

ORAL ORDER:

Heard both sides.

The only grievance of the petitioners is that they are small farmers and obtained petty loans from the 2nd respondent-Society and have been paying instalments regularly; however, the 2nd respondent without issuing any notice or initiating any proceedings as required under law, either under Section 61 or under Section 71 of the Andhra Pradesh Cooperative Societies Act,1964 (for short 'the Act') and without jurisdiction, is taking action for attachment of their moveables like rice, utensils and other household articles.

While admitting the Writ Petition, this Court by an interim order dated 1-5-1997 directed the respondents not to attach the moveables of the petitioners like rice, utensils and other household articles etc., of the petitioners and restrained the respondents to take any coercive steps against the petitioners for recovery of the amounts.

In the facts and circumstances of the case, the said order shall be treated as a final order in the Writ Petition and the respondents are directed not to attach the moveables of the petitioners like rice, utensils and other household articles without taking recourse to law and without initiating any proceedings either under Section 61 or under Section 71 of the Act.

Accordingly, the Writ Petition is disposed of. No order as to costs.

22-9-2006

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